

# **FLORIDA DEPARTMENT OF LAW ENFORCEMENT**

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## **January 2012 Interstate 75 Incident Review**

**April 26, 2012  
Gerald M. Bailey, Commissioner**



# FLORIDA DEPARTMENT OF LAW ENFORCEMENT

## January 2012 Interstate 75 Incident Review

### EXECUTIVE SUMMARY

During the early morning hours of January 29, 2012, eleven fatalities and six traffic crashes occurred on Interstate 75 in Alachua County, Florida. The crashes were the result of poor visibility in Paynes Prairie, a low-lying section of the interstate, south of Gainesville. Governor Rick Scott directed the Florida Department of Law Enforcement (FDLE) conduct an investigation into the events which led to the fatal crashes and evaluate the protocols of involved government agencies.

FDLE evaluated the protocols of agencies involved in the events of January 28-29, 2012. FDLE also conducted an analysis of hundreds of hours of radio dispatch recordings, telephone recordings, Computer Aided Dispatch records, and audio/video recordings of the events. FDLE conducted interviews of dozens of sworn and civilian witnesses, each of whom had information pertinent to the investigation.

After a thorough analysis of the above mentioned information, FDLE has developed several key findings regarding this event:

- ◆ The issue of the impact of smoke/fog on traffic safety was presented to the Florida Highway Patrol (FHP) in 2008. However, after the fatal traffic crashes on Interstate 4 in Polk County, Florida, FHP failed to adequately create and implement effective guidelines for Troopers to follow when dealing with events related to limited visibility on public roadways. The specific changes to FHP's policies and procedures were limited, and subsequent training provided to command personnel was ineffective and poorly memorialized.
- ◆ During the evening of January 28, 2012, Troopers failed to adequately communicate critical information amongst themselves regarding the fire on Paynes Prairie. Specific information regarding the fire was provided by the Florida Forest Service to FHP's communications center in Jacksonville, Florida. However, detailed information regarding the potential limitation of visibility during the early morning hours was not documented and adequately relayed by FHP's communications center to Troopers in the field.
- ◆ The FHP was responsible for the decision to reopen Interstate 75 during the early morning hours of January 29, 2012. Specifically, the decision was made by FHP Lieutenant John

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Gourley after his evaluation of conditions which, at the time, appeared to be favorable toward restoring the flow of traffic. All other government agencies who participated in the event, including the Florida Forest Service, the Florida Department of Transportation and the Alachua County Sheriff's Office, acted in support of FHP's direction toward road closing and reopening activities.

- ◆ After the decision was made to reopen Interstate 75 on January 29, 2012, adequate resources were not dedicated to effectively monitor the environment, particularly when there was an apparent fear that limitation of visibility would likely reoccur. Approximately twenty minutes prior to the fatal crashes, FHP Trooper Steven Downing reported the existence of dense smoke on US 441, in Paynes Prairie, less than one mile east of Interstate 75. However, no immediate measures were taken by FHP to actively monitor the conditions on Interstate 75 in Paynes Prairie.
- ◆ On two occasions, prior to the reopening of Interstate 75, FHP Sergeant Bruce Simmons voiced concern to Lieutenant Gourley regarding the potential reoccurrence of poor visibility on Interstate 75. After the fatal crashes, Sergeant Simmons reiterated his concern to other law enforcement personnel. A subsequent memo written by FHP Captain Coby Fincher indicated Sergeant Simmons met with Captain Fincher, on January 31, and recanted his verbal disagreement with Lieutenant Gourley's decision. However, Sergeant Simmons advised Captain Fincher's memo was false and was not an accurate reflection of their meeting.

### **Recommendations**

Based on the above findings, FDLE has developed three primary recommendations:

- ◆ All FHP policy related to traffic control should be clearly documented under one section within the FHP Policy Manual. Rather than suggesting "guidelines," the policies should specify mandatory protocols to be followed during all incidents that affect traffic flow and roadway safety. In the creation of new policy, FHP should consider the following items:
  - Policy should mandate adherence to specific steps to be taken to evaluate information which may be pertinent to decisions that can affect safety on the roadways.
  - Policy should mandate interaction between FHP command personnel and other governmental technical experts whose subject matter expertise may help FHP make accurate, informed decisions regarding the closing and opening of roads.
  - Policy should identify a clear level of command whose responsibility is to make decisions regarding the closing and opening of roads.
  - Policy should dictate the dissemination of accurate information regarding fire incidents to all FHP members. Specifically, FHP troop personnel should have direct access to a list of all wildfire and prescribed burn incidents in the state each day. This information is critical to troop personnel when evaluating potential visibility problems on the state's roadways.

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- ◆ Florida's public roadway signage should be evaluated for its ability to appropriately warn travelers of conditions which may impact visibility on the roadways. Certain low-lying areas of the state, such as Paynes Prairie, are frequently subject to environmental conditions that may cause limitations in visibility. Implementation of an effective means of monitoring these areas, and forewarning travelers of adverse conditions could enhance safety on the roadways.
  - ◆ FHP should conduct an internal inquiry to clarify the conflict in sworn testimony provided by Sergeant Simmons and Captain Fincher regarding their meeting on January 31, 2012.

### **Conclusion**

After careful evaluation of the facts, FDLE concludes that no member of the Florida Highway Patrol or other government agency acted with criminal intent when making decisions that impacted the events leading to the fatal crashes of January 29, 2012. Rather, agency personnel acted in a manner which they believed was appropriate and in the best interest of restoring the safe and orderly flow of traffic to the roadways.

FDLE's investigation has revealed the need for several changes to Florida's public roadway safety efforts. Immediate changes should be made to FHP protocol and an evaluation of the state's roadway signage and monitoring capabilities should occur.



# FLORIDA DEPARTMENT OF LAW ENFORCEMENT

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# FLORIDA DEPARTMENT OF LAW ENFORCEMENT

## January 2012 Interstate 75 Incident Review

### INTRODUCTION

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FDLE evaluated the protocols of agencies involved in the events of January 28-29, 2012. FDLE also conducted an analysis of hundreds of hours of radio dispatch recordings, telephone recordings, Computer Aided Dispatch records, and audio/video recordings of the events. FDLE conducted interviews of dozens of sworn and civilian witnesses, each of whom had information pertinent to the investigation.

### BACKGROUND

The course of events leading to the fatal crashes on January 29, 2012, began with a fire on Paynes Prairie on the afternoon of January 28, 2012. Smoke from the fire created low visibility on US 441 and Interstate 75 just before midnight that evening.

At 2331 hours, a traffic crash occurred on US 441 in Paynes Prairie involving six vehicles.



Figure 1 – Incident Map

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The crash was attributed to dense smoke in the area. At 2350 hours, dense smoke was reported on Interstate 75 in Paynes Prairie. At 2354 hours, a traffic crash occurred on Interstate 75 involving a semi-truck and two sport utility vehicles. Subsequent to these crashes, both US 441 and Interstate 75 were completely shut down in both directions due to low visibility. US 441 remained shut down throughout the remaining time period addressed in this report.

Interstate 75 was reopened at 0326 hours on January 29, 2012. Approximately 35 minutes later, multiple reports were received regarding low visibility and traffic crashes on Interstate 75. The crashes involved 25 vehicles and resulted in 11 fatalities. For the purposes of this report, these crashes are referred to as the “fatal crashes.”

## Investigative Review

In order to conduct this investigation, FDLE identified the government agencies who participated in the events of January 28-29, 2012. FDLE evaluated policies, analyzed records and conducted interviews of numerous personnel from each agency in order to establish a detailed timeline for the incident.

## POLICIES AND PROCEDURES

FDLE conducted a review of the policies and procedures in place on January 29, 2012, which addressed the closing and reopening of roadways in the state of Florida.

### **Florida State Statutes**

Located within the Department of Highway Safety and Motor Vehicles is the Florida Highway Patrol (FHP). In addition to being a state law enforcement agency, FHP is statutorily charged with the duty:

“to patrol the state highways and regulate, control, and direct the movement of traffic thereon; to maintain the public peace by preventing violence on highways; to apprehend fugitives from justice; to enforce all laws regulating and governing traffic, travel, and public safety upon the public highways and providing for the protection of the public highways and public property thereon, including the security and safety of this state’s transportation infrastructure” (F.S. 321.05).

### **FHP Policies and Procedures**

As a means to facilitate its statutorily required mission, FHP has developed an FHP Policy Manual, which contains policies and procedures which guide the day-to-day operation of the agency and its members. The FHP Policy Manual is available for review on the FHP public website at <http://www.flhsmv.gov/fhp/Manuals/>.

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Located within the FHP Policy Manual are two policies that specifically address and provide guidance for regulating, controlling and directing the movement of traffic.

- The first policy is Policy 17.14 Shift Commander Protocol (revised October 2010). This policy provides the FHP Shift Commander with 19 addenda (checklists) that are to be “utilized, as necessary,” when addressing situations such as smoke/fog incidents, major traffic crashes, natural disasters, Amber Alerts, confirmed domestic security events and major road closures. The two addenda that are pertinent to the issues being addressed in this report are 17.14-11 Checklist-Major Road Closure and 17.14-19 Checklist-Smoke/Fog Incidents.

Addendum 17.14-11 Checklist-Major Road Closure provides the following checklist for the FHP Shift Commander:

- Ensure dispatch of Trooper to the location
- Notify other FHP units as appropriate
- Notify local law enforcement agencies
- Notify on-duty District Lieutenant(s) and District Sergeant(s)
- Notify FDOT (if appropriate)
- Notify PAO and/or Media
- Enter road closure information into EOC On-Line
- Notify State Warning Point (1-800-342-3557)
- Ensure completion and distribution of the 24-hour report & press release

Addendum 17.14-19 Checklist-Smoke/Fog Incidents provides the following checklist for the FHP Shift Commander:

- Ensure dispatch of Trooper to the location
- Notify other FHP units as appropriate
- Notify Division of Forestry
- Notify on-duty District Lieutenant(s) and District Sergeant(s)
- Obtain a spot weather forecast for the affected area from the National Weather Services
- Identify current or overnight LVORI levels to determine risk of high LVORI > = 7
- Ensure detour routes established
- Confirm staffing on post one hour before highest RH/LVORI levels reach > = 7
- Confirm staffing plan is in place to monitor location and close roadway if needed
- Notify local law enforcement agencies
- Notify FDOT of possible road closures and signage request (if appropriate)
- Notify PAO and/or media
- Enter road closure information into EOC On-Line
- Notify State Warning Point (1-800-342-3557)
- Ensure completion and distribution of the 24 hour report & press release
- Ensure all information concerning incident is entered into CAD



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- The second policy is Policy 17.17 Traffic Direction and Control (revised July 2007). This policy provides the members of FHP with uniform guidelines for directing and controlling traffic to ensure the smooth flow of traffic in and around areas of obstructed or unusually congested roadways. The policy identifies traffic crash scenes, fire scenes, and adverse weather scenes as examples of scenarios that may require traffic direction and control. The specific procedure contained in the policy states that when manual traffic direction or control is needed, a member will:
    - Notify the Regional Communications Center and request assistance if needed.
    - Ensure that appropriate agencies, utilities or officials are notified.
    - Provide traffic direction or control.
    - Take other action appropriate to restore the normal, orderly flow of traffic.

The policy does not contain guidance or procedures for closing or reopening of a roadway.

- The FHP Policy manual does not contain a specific policy, procedure or guideline that addresses the reopening of a roadway after it has been closed.

### **Highway Safety Smoke Management Interagency Agreement**

In addition to the FHP Policy Manual, the Florida Department of Transportation (FDOT), the Florida Forest Service (previously known as the Florida Department of Agriculture's Division of Forestry) and FHP have entered into a Highway Safety Smoke Management Interagency Agreement which provides for cooperative efforts among these agencies in warning and informing the public about roadway hazards due to fires. This agreement outlines the statutory and agreed upon responsibilities of each agency that is a party to the agreement.

The agreement states that the Florida Forest Service (FFS) will notify FHP whenever they have knowledge that smoke may impact traffic on the state highway system. The agreement establishes that FFS will determine the extent to which visibility on the highway is or may be restricted.

The agreement states that FHP has the authority and responsibility to patrol the state highways and regulate, control, and direct the movement of traffic thereon in accordance with Section 321.051(1), F.S. Additionally, FHP will respond to smoke hazards on Florida's state highways and evaluate the need for precautions necessary to minimize loss of life and property.

The agreement states that FDOT has the sole authority and responsibility for the placement of all traffic control devices on Florida's state highways to warn motorists of the presence of hazards in accordance with Section 316.006(1), F.S.

The Highway Safety Smoke Management Interagency Agreement was signed by all parties in June 2009 and remains in effect until terminated. The agreement states it will be reviewed and changed as needed by the Highway Safety Smoke Management Task Force, which is made up of representatives from the agencies that are parties to the agreement.

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## **State of Florida Open Roads Policy**

The State of Florida Open Roads Policy is a signed agreement between FHP and FDOT to open Florida's roadways following a traffic crash in "an urgent manner for the safety of responders at incident scenes and for motorists traveling in Florida." This agreement, which became effective November 2002, outlines the individual and joint responsibilities of FHP and FDOT and states that "agencies have the responsibility to do whatever is reasonable to reduce the risk to responders, secondary crashes, and delays associated with incidents, crashes, roadway maintenance, construction, and enforcement activities." This agreement is part of a statewide initiative that also includes an interactive website for responders, [www.openroadsflorida.com](http://www.openroadsflorida.com). Several counties in Florida, including Alachua, have adopted individual Open Roads Policy county agreements and several are posted on this website.

This agreement states that "members of FHP who respond to the scene of traffic incidents will make clearing the travel portion of the roadway a high priority." Additionally, FHP will coordinate with FDOT to set up traffic control and alternate routes and "restore the roadway to normal conditions as soon as possible."

This agreement states that FDOT will respond and deploy resources to major traffic incidents "24 hours a day, 7 days per week." Additionally, each FDOT District is tasked with the development of response procedures to meet the goals of providing initial traffic control within 30 minutes of notification during assigned work hours and 60 minutes after hours.

The agreement also includes a provision that directs FHP and FDOT to evaluate and continually update and modify their individual agency policies, procedures, rules, guidelines and standards to assure they are consistent with the Open Roads Policy.

## **FHP After Action Report on 2008 Interstate 4 Crashes**

On January 9, 2008, numerous vehicle crashes occurred on Interstate 4 (I-4) in Polk County, Florida, resulting in multiple deaths and injuries. At the time of the crashes, I-4 was blanketed with a mixture of fog and smoke from a controlled burn.

During a subsequent review of the I-4 crashes, FHP identified two action items:

- The need to create a standard operating procedure for smoke/fog incidents.
- The standard operating procedure for smoke/fog incidents should incorporate the use of the Low Visibility Occurrence Risk Index (LVORI) system. The LVORI system is designed to take information from the National Weather Service and place it on a scale to estimate the likelihood of smoke or fog being a contributing factor in vehicle crashes. In a February 5, 2008 Information Report from Captain Randy M. Snow and Captain John Iadanza to FHP Colonel John Czernis, FHP identified that with the knowledge of the LVORI measurement for the night of the I-4 crashes, FHP "might have required closer monitoring of the interstate and the portion of I-4 where the crash occurred may have been closed prior to the accidents."

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On February 6, 2008, Colonel Czernis made a presentation to the Florida Senate Transportation Committee regarding the I-4 crashes and FHP's intended future use of the LVORI system. A review of the audio recorded presentation revealed the following:

- Colonel Czernis stated that the steps FHP took after the I-4 crash to prevent future incidents were:
  - Developing the standard protocol for the "warning" of smoke and fog
  - Training command staff on the LVORI System
- Colonel Czernis stated FHP identified the need to develop a standard operating procedure for fog and smoke incidents throughout the state. He indicated that LVORI would be a part of this procedure.
- When questioned by Senator Arthenia Joyner if he was mandating LVORI training for every trooper, Colonel Czernis stated that only the supervisory personnel would be trained, since they would be making the decisions based on the conditions.
- Colonel Czernis stated that FHP's LVORI training was to begin that month, February 2008, and would finish within 3-4 weeks.
- When Senator Larcenia Bullard recommended making LVORI training a part of FHP's academy training for all officers, Colonel Czernis stated FHP would consider her suggestion.

On March 12, 2008, in furtherance of FHP's commitment to train all supervisory personnel on the use of LVORI, troop training officers from each of FHP's ten troops, and two duty officers, attended a LVORI "train-the-trainer" session presented by FHP Troop D Captain Robert Duncan. The four-hour training was comprised of two hours of instruction on how to read and understand weather forecasts and the two-hour S-190 Introduction to Wildland Fire Behavior course created by the National Wildfire Coordinating Group.

FHP confirmed that LVORI training was conducted at the regional level and could verify 149 members received the training in 2008. FHP indicated it was likely that additional members had received training, but supporting documentation was not readily available. Consequently, it cannot be confirmed that FHP implemented LVORI training as was indicated to the Florida Senate Transportation Committee.

At the conclusion of the LVORI training, each Troop Training Officer was instructed to develop professional relationships with FFS representatives in their areas and to train all troop supervisors on the use of LVORI. FHP was unable to provide records that reflect the completion of these efforts.

FHP also used the lessons learned from the January 2008 I-4 traffic crashes to create an addendum to their policy on Shift Commander Protocols. The addendum was titled 17.14-19 Checklist-Smoke/Fog Incidents. Within the addendum, FHP identified a checklist of 16 items, including identification of a LVORI level, to be used as guidelines when evaluating conditions toward the closure of public roadways.

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## OTHER STATE POLICIES

The FDLE polled several states with respect to the existence of specific policies and/or procedures designed to provide guidance relative to roadway closure and/or opening during weather, fire, or other unforeseen events affecting roadway visibility/safety. A review of the documentation provided by eight states reflected the following commonalities:

- The polled states lacked specific criteria to be used in assessing visibility due to the influence of weather, smoke, or other factors.
- The on-scene trooper provides relevant information when assessing visibility and/or safety conditions of the roadway.
- The State Highway Patrol agency, in consultation with other state agencies having a role or responsibility in the event (e.g. Department of Transportation, Forestry or Fire Service), is responsible for decisions on roadway closure.
- The polled states lacked specific criteria for reopening a roadway after it has been closed. In some cases, references on closures included general direction on reopening such as “when conditions improve” or “when the hazard has been corrected”.

All of the documentation reviewed emphasized clear and continuous communication between on-site personnel, command staff, the representatives of various involved agencies, and the public throughout the duration of the incident.

## TIMELINE OF ACTIVITIES

The following timeline documents the events that occurred from the onset of the fire on Paynes Prairie on January 28, 2012 to the time of the fatal traffic crashes on January 29, 2012. The timeline was developed through analysis of agency records and witness interviews.

### **Paynes Prairie Fire**

**Saturday, January 28, 2012**

1435 hours     Alachua County Combined Communications Center received a report of a brush fire on Paynes Prairie, approximately one half mile south of the boardwalk, east of the 8700 block of South US 441. This fire was referred to by different agencies as the Paynes Prairie fire, the Micanopy fire and the Boardwalk fire. Agencies notified of the fire were:

- Micanopy Fire Department
- Alachua County Fire Rescue
- Alachua County Sheriff's Office (ACSO)

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- Florida Forest Service (FFS)
  - Florida Highway Patrol (FHP)
  - Florida Department of Transportation (FDOT)
  - Florida Park Service (FPS)

- 1451 hours FHP Duty Officer Rickey Skinner notified FHP Sergeant Mark Weber of the Paynes Prairie fire. Weber subsequently observed the scene and requested that local law enforcement assist with traffic issues while Weber responded to an unrelated traffic fatality on Interstate 75 in northern Alachua County. Weber requested that FHP Lieutenant John Gourley be notified of both the traffic fatality and the fire.
- 1523 hours FFS Duty Officer David McCarty notified FHP Duty Officer Skinner that traffic control and smoke signs were needed for the Paynes Prairie fire. Skinner called FDOT Highway Maintenance Specialist Alan Martin and requested assistance.
- 1527 hours FHP Duty Officer Skinner notified FHP Lieutenant Gourley about the traffic fatality on Interstate 75. Skinner also advised Gourley there was a large brush fire on Paynes Prairie that was causing visibility problems across US 441 and that FDOT was en route with signs.
- 1737 hours FDOT Highway Maintenance Specialist Martin completed the placement of Fog/Smoke signs on US 441 and Interstate 75. At the request of ACSO, Martin also placed electronic message boards on US 441.
- 2003 hours FFS Duty Officer McCarty contacted FHP Duty Officer Supervisor Ronald Cooper to notify FHP of the status of the incident:

**FFS McCarty:** *“Just wanted to let you know that we are leaving the site. Currently there is no smoke on 441 or 75 that we can determine, but during the night that is still going to put out a lot of smoke and the incident commander just wanted to make sure y’all are going to patrol it ‘cause you might have to close toward morning time.”*

**FHP Cooper:** *“Ok, I’ll make a note and pass it off to the midnight people when they come in at ten.”*

**FFS McCarty:** *“I really appreciate it. We don’t know what it’s gonna do, weather wise, so that thing is pretty close to 441 and 75 and we don’t want any major accidents.”*

**FHP Cooper:** *“That’s a fact. Ok, sir, we’ll take care of it.”*

- 2004 hours FHP Duty Officer Supervisor Cooper made the following entry into the FHP CAD system to document the information provided by FFS Duty Officer McCarty:  
*“No smoke present at 2003...DOF is requesting we have troopers check all during the night.”* (DOF is a reference to Florida Forest Service, formally the Division of Forestry)

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- 2028 hours FHP Sergeant Weber responded to the Paynes Prairie fire incident, following completion of the earlier traffic fatality investigation. Weber observed that the fire was out, there was no smoke in the area, and all responders had left the scene. Weber reported this to FHP Duty Officer Skinner and the Paynes Prairie fire incident was closed in the FHP CAD system.
- 2130 hours According to FHP Acting Duty Officer Supervisor Edward Sullivan, when Sullivan reported for duty at the FHP Communications Center, FHP Duty Officer Supervisor Ronald Cooper advised Sullivan that there was an earlier fire in Alachua County and there might be smoke/fog issues during the night. Sullivan reported that he relayed that information to Duty Officer Harvey Pittman who operated the Alachua County console during the midnight shift, beginning at 2130 hours. However, none of the midnight shift duty officers, including Pittman, recall being briefed regarding a fire in Alachua County, and there is no documentation to support this occurrence. Subsequently, no oncoming FHP troop personnel were briefed regarding the information.

### **Traffic Crashes and Subsequent Road Closures**

#### **Saturday, January 28, 2012**

- 2331 hours Alachua County Combined Communications Center received reports of a multiple vehicle traffic crash with road blockage and low visibility due to smoke, near the southbound 9800 block of US 441. FHP was notified of the crash, but not the smoke or visibility problem. Trooper Steven Downing responded to investigate the crash, which involved six vehicles. The FHP midnight shift supervisor, Sergeant Bruce Simmons, was also notified of the crash.
- 2350 hours FHP Duty Officer Kevin Milner received a phone call from a citizen reporting zero visibility due to smoke and fog, on northbound Interstate 75 at Paynes Prairie. After a two and a half minute conversation with the caller, Milner inaccurately attributed the smoke to a Dense Smoke Advisory issued by the National Weather Service for Keystone Heights, approximately 25 miles to the northeast of Paynes Prairie. Additionally, Milner demonstrated a lack of familiarity with the geography of Alachua County which increased the length of the call and delayed notification of visibility problems.
- 2354 hours Alachua County Combined Communications Center received reports of a traffic crash with road blockage and dense smoke on northbound Interstate 75 near mile marker 379. FHP was notified of the crash and smoke and Trooper Michael Todd responded to investigate the crash, which involved two vehicles and a semi-truck.

#### **Sunday, January 29, 2012**

- 0002 hours FHP Duty Officer Milner notified FHP Sergeant Bruce Simmons of the traffic crash on Interstate 75. When Milner advised that smoke signs for both US 441

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and Interstate 75 were requested, Simmons stated that he was unaware of any fire in that area. Milner subsequently provided Simmons with inaccurate information, advising that the location of the fire was in Putnam County. Simmons advised Milner to notify FHP District Commander Captain Coby Fincher.

0010 hours     An ACSO duty officer notified FHP Duty Officer Milner that ACSO was shutting down Interstate 75 in both directions due to zero visibility.

0021 hours     FHP Sergeant Simmons authorized the closure of Interstate 75. Southbound lanes were closed at SR 121 (exit 382). Northbound lanes were closed at CR 234 (exit 374). Additional FHP units were requested from nearby counties.

0034 hours     FHP Sergeant Simmons advised FDOT Highway Maintenance Specialist Martin of the road closures on US 441 and Interstate 75. Simmons requested road closure material and assistance from Martin. (Note – FDOT arrived on Interstate 75 with road closure materials at approximately 0257 hours).

0035 hours     FHP Trooper Downing reported that US 441 was closed. Northbound US 441 was closed at CR 234. Southbound US 441 was closed at Rocky Point Road.

0045 hours     FHP Duty Officer Milner notified FHP Lieutenant Gourley of the Interstate 75 crash with road blockage and smoke problems. Milner continued to attribute the smoke to a fire in Putnam County and also inaccurately advised Gourley that US 301 was involved. Gourley advised he would be en route to Interstate 75.

0058 hours     FHP Sergeant Simmons called an FHP duty officer to discuss road conditions and status of FDOT road closure assistance. During the conversation, Sergeant Simmons stated that the smoke was from a fire on Paynes Prairie “that nobody said anything about.”

0115 hours     FHP Trooper Bharat Persaud advised an FHP duty officer that the Interstate 75 traffic crash was clear but the road remained closed in both directions due to poor visibility from smoke.

0115 hours     FHP Sergeant Simmons requested that FHP Major Gene Spaulding be notified. Subsequently, Spaulding contacted FHP Captain Fincher to obtain details regarding the road closures. Fincher advised that FHP Lieutenant Gourley was on-scene supervising the incident.

0145 hours     FHP Duty Officer Milner contacted FDOT Highway Maintenance Specialist Martin regarding expected arrival time with road closure and detour materials. Martin advised they had a personnel shortage but were loading trucks and would be en route.

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## **Interstate 75 Reopening**

**January 29, 2012**

- 0206 hours FHP Sergeant Simmons authorized FHP and ACSO responders to prepare to clear traffic that was stalled in the smoke on Interstate 75, by slowly leading the vehicles through the closed area of the interstate. This process continued for approximately 75 minutes, until northbound and southbound stalled traffic was cleared.
- 0224 hours FHP Lieutenant Gourley arrived at Interstate 75 and immediately evaluated visibility by driving the interstate from SR 121 to CR 234, a distance of approximately 8 miles. Gourley noted patchy visibility of 1/8 mile. The road remained closed.
- 0245 hours FHP Lieutenant Gourley drove Interstate 75 again and noted ½ mile visibility. He indicated there was a 'little area in the prairie' that was the only problem. The road remained closed.
- 0252 hours FHP Lieutenant Gourley called the ACSO district watch commander, Lieutenant James Moran, who was located at the US 441 and Rocky Point Road closure. Gourley advised Moran that he was going to drive Interstate 75 again to evaluate conditions and may open the road soon. Gourley advised he would then travel to US 441 to evaluate those conditions and would meet with Moran at his post. Moran advised Gourley to keep US 441 closed.
- 0255 hours FHP Lieutenant Gourley advised FHP Sergeant Simmons that he was considering opening the road. Simmons advised he had a concern:

**Gourley:** *Unintelligible. "Just driving through this we are better than quarter of a mile to half a mile visibility. I can see the lights to the rest area half a mile to a mile and a half away. This gives us a little reprieve. We need to go ahead and get our road closure assets in place but the fog has lifted somewhat. Its moved a little more to the north from where it was earlier because from Micanopy to here I see nothing to keep this road closed."*

**Simmons:** *"Yeah, I seen that too, but I'm concerned that another cloud might roll through and then we got to go through all this again."*

**Gourley:** *"That's why we need to go ahead get DOT to get signs and assets in place if we need to shut down where we did, we can do it. Keep monitoring it but right at this point, I see no reason to keep it closed. I'll get with you here. Just let me get that traffic. I'll meet you back here at 382."*

**Simmons:** *"OK."*



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- 0257 hours FHP Trooper James Taylor advised FHP Lieutenant Gourley that FDOT arrived at Interstate 75 with road closure material.
- 0304 hours FHP Lieutenant Gourley requested that FDOT stop setting up road closure materials, since he was considering opening the road soon. Gourley requested that FDOT keep assets on standby, on Interstate 75, in case the road needed to be closed again. Gourley advised he would drive Interstate 75 a couple of more times but acknowledged a reoccurrence of low visibility may be possible.
- 0313 hours FHP Sergeant Simmons requested a report on visibility on US 441. FHP Trooper Downing reported at the north end of Paynes Prairie, visibility was 100 to 200 feet. At the south end of Paynes Prairie the visibility was ¼ to ½ mile.
- 0318 hours FHP Lieutenant Gourley drove Interstate 75 again and reported ¼ mile to ½ mile visibility “at the worst area” and greater than 2 miles in some areas. Gourley advised FHP Trooper Taylor that the roadway could be reopened southbound, but to keep units in place to monitor the roadway. Gourley reiterated his request to keep FDOT assets in place in case the road needed to be closed again. Gourley also requested that FDOT place message boards both northbound and southbound Interstate 75, just past exit 374, saying “reduced visibility – be prepared to slow down.” (Note - these signs were not in place before the subsequent fatal crashes at 0400 hours)
- 0324 hours FHP Lieutenant Gourley advised ACSO Sergeant Mike Powers, who was located at the northbound Interstate 75 and CR 234 exit, that the northbound interstate would be reopened in a few minutes. During interviews, Gourley stated he asked Powers to keep an extra unit monitoring the interstate. According to Powers, Gourley advised that Powers could release everybody. After reviewing Powers’ in-car video recording of their conversation, Powers states to Gourley “I’ll keep our guys rotating up here.” Subsequent interviews of ACSO personnel revealed that all ACSO personnel left Interstate 75 at the time of reopening and returned to normal duties.
- 0324 hours ACSO Sergeant Powers advised FDOT personnel at northbound exit 374 that the road was being reopened and they could pick up road closure material. FDOT advised they would stage at CR 318 in the event they were needed again. Powers then proceeded northbound on Interstate 75. At approximately 0330, Powers entered the Paynes Prairie area and then proceeded north past the rest area. During the entire drive, road conditions were clear.
- 0326 hours FHP Sergeant Simmons advised FHP troop personnel that were assigned to Interstate 75 road closures that per FHP Lieutenant Gourley, open Interstate 75 to traffic. (See Appendix A)
- 0330 hours FHP Lieutenant Gourley advised the FHP Communications Center that Interstate 75 was open in both directions. He advised that cones and signs were on

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standby so that there would not be a delay if the interstate needed to be closed again. Gourley also advised that US 441 would remain closed.

- 0339 hours FHP Sergeant Simmons called an FHP duty officer to thank him for his help. During their call, Simmons advised he was on a meal break at Perkins Restaurant.
- 0340 hours FHP Trooper Downing advised he encountered another cloud of smoke on US 441 causing very poor visibility in Paynes Prairie. (See Appendix B)
- 0347 hours FHP Lieutenant Gourley advised he was on US 441 in Paynes Prairie and observed less than 40 feet visibility. Gourley stated the smoke was drifting to the east and should not affect Interstate 75. He advised US 441 would remain closed due to thick smoke. Gourley did not request any immediate action be taken to evaluate conditions in the Paynes Prairie area of Interstate 75.
- 0350 hours FDOT Highway Maintenance Specialist Martin drove Interstate 75, southbound from the Highway 121 overpass into Paynes Prairie. He observed clear visibility, noting one patch of smoke about 50 yards in the Prairie. Martin continued southbound to CR 234 in Micanopy and turned around to proceed northbound on Interstate 75. (See Appendix C)
- 0400 hours FDOT Highway Maintenance Specialist Martin drove Interstate 75 northbound from CR 234. As Martin approached the southern edge of Paynes Prairie, he encountered "solid smoke and fog". Martin veered completely off the roadway and heard accidents occurring behind him.
- 0401 hours Alachua County Communications Center notified an FHP duty officer of a reported traffic crash on southbound Interstate 75 at mile marker 379 in Paynes Prairie. A vehicle hit a guardrail, all lanes were blocked and a vehicle was on fire. (See Appendix D)
- 0403 hours FHP Lieutenant Gourley drove north on US 441 to the Rocky Point Road closure and advised ACSO Lieutenant Moran that US 441 would remain closed. While Gourley was with Moran, an ACSO radio call was received which reported a traffic crash on southbound Interstate 75 near mile marker 379. Gourley immediately left US 441 and proceeded to Interstate 75.
- 0409 hours FHP Trooper Mike Todd reported heavy smoke and less than three feet visibility on southbound Interstate 75 as he responded from the northbound rest area to the traffic crash.
- 0409 hours FHP Lieutenant Gourley authorized a permanent shutdown of Interstate 75 and requested FDOT be notified.

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## ACTIONS OF GOVERNMENT AGENCIES

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The following summaries represent the actions of government agencies who participated in the events that occurred on January 28-29, 2012.

### **Florida Highway Patrol**

The Florida Highway Patrol (FHP) was notified of the fire on Paynes Prairie at 1447 hours on January 28, 2012. The FHP Jacksonville Regional Communications Center notified Sergeant Mark Weber of the fire. Sergeant Weber checked the fire area twice during his evening shift. At 2028 hours, Sergeant Weber observed that all responders had left the fire scene and there were no signs of an active fire. Unaware of the Florida Forest Service (FFS) warning that the fire would generate smoke during early morning hours of January 29, 2012, Sergeant Weber subsequently closed the fire incident in the FHP CAD system. Midnight shift troopers, who reported for duty at 2200 hours, were subsequently unaware of a fire incident in the Paynes Prairie Preserve State Park. Consequently, neither US 441 nor Interstate 75 were patrolled to evaluate visibility conditions.

At 2343 hours, FHP was notified by the Alachua County Sheriff's Office (ACSO) of traffic crash and visibility problems on US 441. ACSO took emergency precautions and closed US 441 in both directions. Trooper Steven Downing was dispatched to US 441, where he stayed through the remainder of the night.

Between 2350 and 2354 hours, FHP received several calls from citizens reporting slow traffic and low visibility on Interstate 75 in the Paynes Prairie area. At 2354 hours, ACSO notified FHP of a traffic crash on Interstate 75. ACSO took emergency precautions and closed Interstate 75 in both directions. Trooper Mike Todd was dispatched to Interstate 75 and reported low visibility as a contributing factor to the crash. Trooper Todd supported the need to close Interstate 75.

At 0002 hours on January 29, 2012, the midnight shift supervisor, Sergeant Bruce Simmons was notified of the traffic crashes, visibility problems and road closures on both US 441 and Interstate 75 and responded to the scene. Sergeant Simmons concurred with the road closure decisions and requested additional FHP troopers respond to the area to assist with traffic control. Sergeant Simmons also contacted the Florida Department of Transportation (FDOT) and requested road closure assistance (personnel, cones and message boards). Sergeant Simmons instructed the FHP communications center to notify FHP Command Staff of the incident.

Lieutenant John Gourley, who was off-duty, was notified of the events and responded to Interstate 75 at 0145 hours. Lieutenant Gourley subsequently began evaluations of Interstate 75 by personally driving the interstate in both directions.

Between 0230 and 0318 hours, Lieutenant Gourley, Sergeant Simmons and Trooper Todd continued to assess visibility on Interstate 75. Additionally, stalled traffic was escorted through the closed area of Interstate 75 to clear the roadway. As visibility on Interstate 75 began to improve, Lieutenant Gourley announced his plan to reopen Interstate 75.

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In a radio transmission at 0255 hours, Sergeant Simmons acknowledged to Lieutenant Gourley that visibility had improved, but expressed a concern that the smoke may return and the interstate would have to be closed again. Lieutenant Gourley stated that he would keep assets in place and continue to monitor the roadway in the event the low visibility conditions returned. At 0324 hours, Sergeant Simmons met personally with Lieutenant Gourley and reiterated his concern regarding the potential reoccurrence of the limited visibility along the interstate. Lieutenant Gourley once again identified his plan to maintain appropriate resources and staffing, in case future conditions warranted another road closure.

During a sworn interview, Lieutenant Gourley explained his decision-making process to reopen the roadway:

- Lieutenant Gourley was not aware of any specific FHP policy or procedure that outlines how to open or close a road.
- Lieutenant Gourley has not received any formal training on opening or closing roads.
- Lieutenant Gourley stated that according to FHP Policy 17.17 Traffic Direction and Control, it was his responsibility to restore the orderly flow of traffic as soon as he was able.
- Once Lieutenant Gourley established that visibility was suitable for safe traffic flow he considered the following:
  - Secondary crashes due to road closures often occur.
  - He has investigated several fatalities and bad accidents due to secondary crashes.
  - US 441 was the major detour route used for Interstate 75, and it was closed.
  - The only available detour route involved directing interstate traffic onto a two lane road in a small town without assets in place to assist, which was hazardous.
  - Directing drivers onto unfamiliar roads in the early morning hours was hazardous.
- Based on this evaluation, Lieutenant Gourley decided it was better to restore traffic flow on Interstate 75, and to monitor closely for any change in visibility conditions.
- Lieutenant Gourley acknowledged that he was aware that visibility problems could return.
- Upon his decision to reopen the interstate, in addition to remaining on-duty, Lieutenant Gourley took the following measures to prepare for monitoring the roadway and ensuring safe travel conditions:
  - Requested that FDOT road closure personnel and materials remain on Interstate 75 in preparation for another possible closure.
  - Requested variable message boards from FDOT. Fog/Smoke signs were on Interstate 75 from earlier in the day when the Paynes Prairie fire started.
  - Requested ACSO to keep one unit on Interstate 75.
  - Requested that several FHP day shift personnel report for work early, at 0400 hours.

At approximately 0326 hours, Lieutenant Gourley authorized the reopening of Interstate 75. At 0340 hours, Trooper Downing reported dense smoke and fog with almost zero visibility on US 441. Lieutenant Gourley traveled to US 441 to evaluate visibility. At 0347 hours, Lieutenant Gourley advised that US 441 would remain closed due to limited visibility. Lieutenant Gourley

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stated the smoke was traveling in the opposite direction from Interstate 75 and he believed it would not affect visibility along the interstate.

At 0400 hours, reports were received of traffic crashes due to zero visibility on Interstate 75 in the area of Paynes Prairie. While en route to Interstate 75, Lieutenant Gourley asked for a visibility check of Interstate 75. Minutes later, Trooper Todd advised there was zero visibility on Interstate 75 in the area of Paynes Prairie. Lieutenant Gourley authorized a complete shutdown of Interstate 75 in both directions.

### **Florida Department of Transportation**

The Florida Department of Transportation (FDOT) was requested to provide assistance with road closures and placement of road signage during the events on January 28 and January 29, 2012. All requests were coordinated through the FDOT On-Call Supervisor, Highway Maintenance Specialist Alan Martin.

In response to the Paynes Prairie fire, on the afternoon of January 28, 2012, Martin placed Fog/Smoke signs and electronic message boards on US 441. Martin also placed Fog/Smoke signs on Interstate 75, due to the close proximity of the interstate to the fire.

In response to the midnight crashes, Martin was contacted several times by the Alachua County Sheriff's Office (ACSO). ACSO was requesting permission and assistance from Martin to close the roadways due to low visibility problems on US 441 and Interstate 75. Martin advised ACSO he could not authorize the road closures since he was not present to observe conditions, and requested that an on-scene FHP trooper contact him to request assistance. At 0024 hours, FHP Sergeant Simmons contacted Martin and advised him that both roadways were being closed and requested FDOT assistance with the road closures. Martin began contacting FDOT staff to respond. The FDOT response consisted of seven FDOT members and approximately six vehicles. FDOT personnel arrived on Interstate 75, with road closure materials, at approximately 0300 hours. The personnel and materials were divided between Interstate 75, at the exit 382 southbound road closure, and at the exit 374 northbound road closure. Within minutes of the FDOT arrival, FHP requested that they stop putting road closure materials along the interstate, and remove what had been previously put in place. FHP advised FDOT of their decision to re-open the interstate. FHP requested that FDOT personnel and resources remain on Interstate 75, staged nearby at each exit, in case the interstate needed to be closed again.

Martin was not asked for his opinion regarding reopening Interstate 75, and at that point he had not traveled on the closed part of the roadway to personally observe conditions.

At approximately 0345 hours, Martin and a co-worker decided to drive the interstate to personally observe visibility conditions. During subsequent interviews, Martin described his observations on Interstate 75 as follows:

- Martin advised that on the southbound trip through Paynes Prairie at approximately 0350 hours, there was one spot that was "a little smoky", approximately 50 yards long, but it did not create poor visibility conditions.
- Martin advised that upon his northbound trip into Paynes Prairie at approximately 0400 hours, he encountered "nothing but pure smoke and fog." Martin veered off the roadway to

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avoid collisions which he could hear occurring behind him. To exit the area of zero visibility, Martin's co-worker walked in front of the truck with a flashlight, while Martin slowly drove immediately behind him. Martin estimated the zero visibility conditions to exist for approximately ½ mile. Martin advised that once he was out of the zero visibility area, the roadway was completely clear and he could easily see both northbound and southbound sides of Interstate 75.

During his interview, Martin was presented with the Highway Safety Smoke Management Interagency Agreement. He advised he was not familiar with the document and had never seen it before.

As part of this investigation, it was determined that FDOT did not meet the response time goals outlined in the State of Florida Open Roads Policy and the Alachua County Open Roads Policy. In both of these policies, FDOT's responsibility is to provide initial traffic control within 60 minutes of notification of an incident, when the notification occurs "after normal working hours." FDOT received an initial request for Interstate 75 road closure assistance at 0034 hours, and did not arrive on scene until 0257 hours.

### **Florida Forest Service**

On January 28, 2012 at approximately 1510 hours, personnel from the Florida Forest Service (FFS), a division of the Florida Department of Agriculture and Consumer Services, responded to the Paynes Prairie fire and assumed command. Working with Alachua County Fire Rescue and the Florida Park Service, a plan to manage the fire was developed. FFS notified the Florida Highway Patrol (FHP) Communications Center of the fire and requested smoke signs and message boards be placed on US 441 in both directions. At 2003 hours, FFS notified FHP they were leaving the scene and requested both US 441 and Interstate 75 be monitored during the night for visibility problems. FFS advised FHP that smoke from the fire would pick up overnight, specifically in the early morning hours of January 29, 2012. FFS left the scene and was never contacted regarding the midnight crashes or subsequent road closures.

During interviews, FFS personnel advised they always consider weather conditions before leaving the scene of a fire, and did obtain an updated weather forecast before leaving the Paynes Prairie fire scene during the evening of January 28. Based on the evaluation of predicted weather that evening and into the morning hours of January 29, FFS provided the detailed notification to the FHP Communications Center about what may occur in regard to visibility on US 441 and Interstate 75. In general, FFS evaluates several weather factors to predict the impact of smoke from a fire. The factors are provided by National Weather Service bulletins twice a day and include such factors as wind predictions, dispersion index and Low Visibility Occurrence Risk Index (LVORI) measurements. FFS may also contact the National Weather Service and request a spot weather forecast. FFS also advised that the process of inversion, when the smoke from a fire gets trapped low to the ground and combines with fog to make a very dense mixture, is a common concern and occurrence in the Paynes Prairie area, due to the low-lying geography.

During the events of January 28-29, 2012, FFS complied with all responsibilities outlined in the Smoke Highway Safety Interagency Agreement. All FFS personnel interviewed were aware of the agreement, and supervisory members were very familiar with it. FFS Forest Area Supervisor

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James Rittenhouse advised that generally FFS does not receive much direct inquiry from FHP regarding response to low visibility on roadways.

### **Florida Park Service**

The Florida Park Service (FPS) is a division of the Florida Department of Environmental Protection. The FPS Park Manager for Paynes Prairie Preserve State Park was notified of the Paynes Prairie fire and FPS personnel responded to the scene to participate in managing the event. FPS command staff was notified of the fire and updated throughout the event. FPS personnel were the last responders to leave the scene, at approximately 2100 hours on January 28, 2012. FPS was never contacted regarding the midnight crashes or subsequent road closures.

During interviews, FPS personnel advised they were aware of the Smoke Highway Management Highway Interagency Agreement but not very familiar with it. FPS is not a party to the agreement as they have a supportive role to FFS regarding fires in state parks. FPS personnel were familiar with the phenomenon of inversion and stated it is common to Paynes Prairie. FPS personnel indicated they were familiar with the Low Visibility Occurrence Risk Index (LVORI). They advised weather factors, including the LVORI measurement, were obtained and evaluated by responders before leaving the scene. FPS personnel do not calculate LVORI measurements but obtain them from the National Weather Service. Additionally, the evaluation of LVORI measurements are part of national courses that are standard in the fire program.

### **Florida Office of Agricultural Law Enforcement**

The Office of Agricultural Law Enforcement (OALE), a division of the Florida Department of Agriculture and Consumer Services, responded to the Paynes Prairie fire incident at 1100 hours on January 29, 2012. The OALE conducted a wildfire cause and origin investigation regarding the fire on Paynes Prairie. As a result of their investigation, OALE reported:

*An extensive fire cause and origin investigation was conducted by OALE personnel on January 29, 2012, which did not reveal any physical evidence of an accelerant or incendiary device. The investigation did not discover any evidence to suggest that the fire was caused by power lines, railroad, lightning strikes, machinery, fireworks, camp fire, debris burning or spontaneous combustion. Although no evidence of a filtered cigarette was discovered, the investigation was unable to rule out smoking as a possible cause as an unfiltered cigarette could have been consumed by the flames.*

It was determined that there was insufficient evidence to determine the cause of the fire and whether it was intentionally or unintentionally set.

### **Alachua County Sheriff's Office**

On January 28, 2012, at 1437 hours, the Alachua County Combined Communications Center received several 911 calls reporting a fire on US 441 on Paynes Prairie. Alachua County Sheriff's Office (ACSO) deputies responded to the fire scene and closed one lane on northbound US 441 to protect fire crews from oncoming traffic. ACSO also requested the Florida Department of Transportation (FDOT) deploy electronic message boards on US 441, to notify motorists of the likelihood of reduced visibility.

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At approximately 2331 hours, the Alachua County Combined Communications Center received several 911 calls reporting a traffic crash and poor visibility from smoke on US 441 on Paynes Prairie. Lieutenant James Moran and other deputies responded to the area. ACSO deputies redirected traffic while FHP Trooper Steven Downing investigated the traffic crash. Lieutenant Moran advised FDOT that US 441 needed to be closed due to poor visibility and requested road closure assistance. FDOT Highway Maintenance Specialist Martin advised Lieutenant Moran that Martin needed to speak to FHP.

At approximately 2353 hours, the Alachua County Combined Communications Center received several 911 calls reporting traffic crashes on Interstate 75 in the Paynes Prairie area. Several ACSO deputies responded, including Sergeant Mike Powers. Sergeant Powers advised Lieutenant Moran that visibility was very poor and deputies were unsafe on the roadway. Lieutenant Moran decided to shut down Interstate 75 due to the poor visibility conditions.

Throughout the response to the traffic crashes and subsequent road closures, ACSO assisted at all road closure points on US 441 and Interstate 75. Lieutenant Moran remained on US 441, while Sergeant Powers remained on Interstate 75. Prior to Interstate 75 being reopened, both Lieutenant Moran and Sergeant Powers were advised by FHP Lieutenant Gourley of his decision to open the interstate. FHP Lieutenant Gourley requested that Sergeant Powers keep one ACSO unit on Interstate 75 after the road reopened. According to interviews, radio calls and in-car video recordings, it appeared that all ACSO deputies on Interstate 75 departed the area immediately after the interstate reopened.

Just prior to 0400 hours, FHP Lieutenant Gourley met with ACSO Lieutenant Moran on US 441 at the Rocky Point Road closure point and advised that US 441 would remain closed due to poor visibility. During their meeting, calls were received reporting a crash on Interstate 75. Lieutenant Moran traveled to Interstate 75 and responded to the fatal crashes.

### **Alachua County Fire Rescue**

On January 28, 2012, at 1437 hours, the Alachua County Combined Communications Center received several 911 calls reporting a fire on US 441 on Paynes Prairie. Alachua County Fire Rescue (ACFR) units were dispatched to the scene. Units from the Micanopy Fire Department, a volunteer fire department within the ACFR district, were already on scene. ACFR District Chief Larry Stewart responded to the scene and established command with the Florida Forest Service and the Florida Park Service. A plan to manage the fire was developed. Chief Stewart requested the Alachua County Sheriff's Office close one lane of US 441 to protect the fire responders. At approximately 1900 hours, the fire was declared contained, and ACFR units departed the fire scene. ACFR did not have any more involvement with the fire on Paynes Prairie throughout the remaining time period addressed in this report.

During his interview, Chief Stewart advised the Florida Department of Transportation (FDOT) was contacted and requested to provide smoke signs and message boards on US 441, because of expected low visibility conditions overnight. Fire service personnel expected an increase in smoke generated from the Paynes Prairie fire due to the forecasted environmental conditions that night and the historical knowledge of fire behavior in the low-lying area of Paynes Prairie.



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### **Gainesville Police Department**

The Gainesville Police Department (GPD) provided assistance with the road closure of Interstate 75 due to the midnight crashes and low visibility problems. GPD officers were responsible for stopping southbound Interstate 75 traffic and assisting traffic exiting the interstate at mile marker 382. The GPD shift commander, Lieutenant Bruce Giles, was in contact with FHP Lieutenant John Gourley during the event. During their first meeting, Gourley evaluated the lane closures and advised Giles he was proceeding to the crash scene. Giles inquired about cones for road closure, and Gourley advised FDOT had been contacted.

Just prior to reopening Interstate 75, Gourley met with Giles again and advised him he was about to open the road. Giles was not asked for his opinion, nor could he have provided one since he never personally observed the adverse visibility conditions farther south on Interstate 75. After the road opening, GPD personnel resumed normal duties until the time of the fatal crashes, when they were requested to provide the same road closure assistance on Interstate 75 at the same location. Once FDOT had road closure cones and materials in place, later that morning, GPD was released. During his interview, Giles advised he was frustrated with the slow response time from FDOT, which ultimately increased the deployment time for the GPD officers.

### **Marion County Sheriff's Office**

The Marion County Sheriff's Office (MCSO) did not respond to any events involving the Interstate 75 closure or reopening. MCSO resources were involved in a response to a Marion County Officer-Involved-Shooting.

<b>FINDINGS AND RECOMMENDATIONS</b>
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After careful evaluation of the facts, FDLE concludes that no member of the Florida Highway Patrol or other government agency acted with criminal intent when making decisions that impacted the events leading up to the fatal crashes of January 29, 2012. Rather, agency personnel acted in a manner which they believed was appropriate and in the best interest of restoring the safe and orderly flow of traffic to the roadways. However, FDLE identified several key findings that resulted from the investigation of this incident. These findings and recommendations for improvement are documented below.

#### **Finding 1**

**The Florida Highway Patrol (FHP) Communications Center failed to adequately relay information received from the Florida Forest Service (FFS) regarding the Paynes Prairie Fire. This led to the premature closing of the Paynes Prairie Fire incident in the FHP CAD system and resulted in incomplete and inaccurate information being provided to FHP field personnel throughout the night. Subsequently, US 441 and Interstate 75 were not effectively monitored for visibility throughout the night, as requested by FFS.**

- On January 28, 2012, at 2003 hours, FFS advised FHP of the need to monitor road conditions throughout the night, on both US 441 and Interstate 75. FFS provided the opinion that conditions in the morning hours may require road closures. The subsequent FHP CAD

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entry at 2004 hours was insufficient in detail and led to the premature closing of the Paynes Prairie Fire Incident in the FHP CAD system.

- Sergeant Weber responded to the Paynes Prairie fire earlier on his shift and returned to the fire area at 2028 hours. He did not observe any responders on scene or any smoke at that time. Unaware of the full details of the FFS recommendation at 2003 hours, he requested the incident be closed in CAD. During his subsequent interview, he indicated he would not have closed the incident in CAD if he had been made aware of the full details of the FFS recommendation.
- When Duty Officer Skinner closed the Paynes Prairie fire incident in CAD, he was unaware of the full details of the FFS recommendation. During his interview, he indicated that the CAD entry was insufficient to represent the full details of the FFS recommendation and he did not believe the incident would have been closed at 2028 hours. Additionally, he would have advised the oncoming duty officer that FFS requested both roadways be monitored for visibility problems throughout the night.
- The FHP evening shift duty officers did not adequately brief the midnight shift duty officers with full details of the FFS recommendation. Therefore, the midnight shift troopers were not advised to monitor the roadways.
  - The five midnight shift duty officers provided conflicting information as to whether they received any briefing at all as to a fire in Alachua County or Paynes Prairie.
  - All five midnight shift duty officers stated they were not aware of a request to monitor road conditions on US 441 or Interstate 75 throughout the night.
  - When the midnight shift supervisor, Sergeant Simmons, reported for duty, he actively monitored visibility on roadways in Gilchrist County, Florida, due to an active CAD entry regarding a fire in that area. Simmons was not advised of a fire in Alachua County or Paynes Prairie, therefore he did not assign a trooper to actively monitor US 441 or Interstate 75, prior to traffic crashes occurring.
- The lack of awareness of the Paynes Prairie Fire by the FHP duty officers led to inaccurate information being provided, which contributed to a misdirection of critical resources.
  - When Duty Officer Milner received a call from a citizen at 2350 hours, the citizen reported zero visibility on Interstate 75. After two and a half minutes on the call, Milner could not find any reference to a problem in Alachua County, and inaccurately attributed the visibility problem to a fire in Putnam County.
  - When Sergeant Simmons was notified of a traffic crash on Interstate 75, at 0002 hours, and advised smoke signs were requested for US 441 and Interstate 75, he stated he was not aware of any fire in that area. Simmons was incorrectly advised by Milner that the fire was in Putnam County. Subsequently, Simmons needlessly requested that ACSO conduct a visibility check of US 301 due to the close proximity to Putnam County.

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- When off-duty District Lieutenant Gourley was notified of the Interstate 75 road blockage and smoke problems at 0045 hours, he was advised by Duty Officer Milner that smoke was coming from a fire in Putnam County.

### **Recommendation 1**

FHP should maintain a list of daily fire reports, with information provided by FFS. This list should be independent of the FHP Computer Aided Dispatch (CAD) system. The list should be accessible by FHP troop personnel for evaluation in the field. FHP Communications Centers should also ensure the dissemination of this information to the field supervisors who will utilize the information when evaluating potential hazards that may impact highway safety in their areas.

### **Finding 2**

**Located within the FHP Policy Manual is Policy 17.17 Traffic Direction and Control. This policy's stated purpose is "to provide uniform guidelines for the directing and controlling of traffic." Currently, many traffic-related issues, such as the closing and opening of roadways and how to respond to issues involving a combination of smoke and fog on a roadway, are only addressed in Policy Number 17.14 Shift Commander Protocol.**

**FHP personnel did not adhere to Policy Addendum 17.14-19 Checklist-Smoke/Fog Incidents, contained within Policy 17.14 Shift Commander Protocol. Specifically, the Florida Forest Service was not notified of the smoke/fog incident, a spot weather check from the National Weather Service was not obtained and an evaluation of the current Low Visibility Occurrence Risk Index (LVORI) level was not completed.**

**Current FHP Policy 17.14 Shift Commander Protocol lacks clarity in its definition of "Shift Commander," thus leading to confusion among FHP command personnel as to where responsibility lies for adherence to the checklists. Additionally, current opinion among FHP personnel suggests that adherence to the checklists is not mandatory.**

- During interviews, several members of FHP Troop B were questioned about their knowledge of the FHP Policy 17.14 Shift Commander Protocol, and specifically Addendum 17.14-11 Checklist-Major Road Closure and Addendum 17.14-19 Checklist- Smoke/Fog Incidents:
  - All members identified the Shift Commander Protocol to be originally designed for command staff personnel assigned to the radio rooms within the Communications Centers. These positions were historically staffed for every shift. All members acknowledged that these positions no longer exist.
  - Major Spaulding stated that it is unclear in the policy as to who the responsibilities fall to in absence of a radio room Shift Commander. Specifically, Major Spaulding stated that on January 28, there was no Shift Commander by definition of Policy 17.14. Additionally, he stated that the addendum checklists are guides that are not mandated, may be used as necessary, and were designed so that someone in the radio room could help field personnel ensure all steps are taken.

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- Captain Fincher stated that the Smoke/Fog Incidents checklist was designed for persons in the radio room. He advised the checklists were designed as a guide and not meant to be “stringently adhered to.” Additionally, he stated that the policy does not provide guidance on how to apply the steps in the checklist, and field personnel have never received formal training in its use.
  - Lieutenant Gourley and Sergeant Simmons both advised a general awareness of the Major Road Closure and Smoke/Fog Incidents checklists. Although they did not utilize the checklists, they advised that several steps on the checklists were completed. Both Gourley and Simmons advised it was not their understanding that the checklists were mandatory or meant to be used by field personnel.

### **Recommendation 2**

All FHP policies related to traffic control should be clearly documented under one section within the FHP Policy Manual. Rather than suggesting “guidelines,” the policies should specify mandatory protocols to be followed during all incidents affecting traffic flow and roadway safety.

### **Finding 3**

**FHP does not have a policy or procedure that addresses how to reopen a roadway after it has been closed due to an emergency situation. Current FHP policy only addresses Major Road Closures in Policy 17.14 Shift Commander Protocol.**

### **Recommendation 3**

FHP should develop a procedure that specifically addresses how to safely reopen a roadway after it has been closed due to an emergency situation. Some elements that FHP should consider when developing this procedure should include:

- The identification of a specific level of command whose responsibility is to make final decisions regarding road closure and reopening. For the purposes of this report, this person will be referred to as the FHP Incident Commander.
- The FHP Incident Commander should personally confer with governmental technical specialists who may provide input toward evaluation of conditions which could affect road reopening decisions. Those subject matter experts should include the Florida Forest Service, National Weather Service, Water Management District personnel or other agencies whose expertise is relevant to the emergency which caused the original closure of the roadway.
- Continue to utilize the LVORI system, but understand its limitations and identify the need to further analyze other environmental conditions.
- Implement the use of FDOT’s Regional Transportation Management Centers and the information they can provide, such as camera views and FDOT traffic speed indicators.
- Deploy advanced traveler information systems and 511.
- Once a decision is made to reopen a roadway, ensure the continuation of visual inspections of the affected portion of the roadway to evaluate potential for reoccurrence of hazards.

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- For a reasonable amount of time, stage dedicated resources that may be needed to close the road quickly and effectively, should hazards reoccur.
  - If available, and during daylight hours, consider using aerial support to inspect potential emergency conditions surrounding the roadway.

#### **Finding 4**

**FHP Command Personnel failed to consult with any technical specialists, such as the Florida Forest Service or the National Weather Service, regarding the existence of thick fog/smoke on US 441 and Interstate 75 throughout the night.**

- During interviews, Law Enforcement personnel admitted they are not subject matter experts in the interpretation of environmental conditions. Additionally, representatives from Florida Forest Service and the National Weather Service indicated they could have provided information which would have been relevant to the decision-making process.
  - During his interviews, Lieutenant Gourley stated several times “I’m not a weather guy” which indicates he may have benefited from consulting a subject matter expert.
  - During the event, Lieutenant Gourley stated several times that the low visibility conditions may return. During his interviews, he stated that he observed the conditions to slowly improve over the course of an hour, and expected that if they returned, he would have the same timeframe to respond.
  - During his interview, Meteorologist in Charge Steve Letro of the National Weather Service (NWS), emphasized the importance of notifying NWS upon encountering any low visibility event. Communication between an NWS meteorologist and the first responder on scene would enhance the ability of the NWS to provide a scene specific forecast, which could be utilized as one of the factors to consider when determining road closure and reopening.
  - Fire service representatives from the Florida Forest Service and the Florida Park Service indicated they routinely utilize measurements of environmental conditions (to include relative humidity, dispersion index and LVORL levels) to predict the future behavior of fires. This expertise in evaluating these conditions as it relates to a fire specific forecast could provide assistance in road closure and reopening decisions.

#### **Recommendation 4**

Prior to reopening a roadway that was closed due to an emergency situation, FHP Command Personnel should consult with appropriate governmental technical specialists who may provide valuable input toward evaluation of conditions which could affect road reopening decisions.

#### **Finding 5**

**After reopening Interstate 75, FHP failed to effectively monitor conditions of the interstate in the area of Paynes Prairie. Troop personnel and local law enforcement officers did not assume specific assignments or posts, particularly when there was indication that conditions could worsen as the morning progressed.**

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- Lieutenant Gourley offered general directions for the continued monitoring of the interstate after reopening, but did not give specific assignments to troop or local law enforcement personnel.
    - The following FHP personnel were posted on Interstate 75 at the time of the road reopening: Lieutenant Gourley, Sergeant Simmons, Trooper Todd, Trooper Taylor and Trooper Strickland. After the interstate was opened, the following occurred:
      - Lieutenant Gourley left the interstate and traveled to US 441.
      - Sergeant Simmons left the interstate and went on a meal break.
      - Trooper Taylor left the interstate and went on a meal break.
      - Trooper Todd was parked at the northbound rest area, writing a report.
      - Trooper Strickland was working off-duty, providing security at the northbound rest area.
    - During his interview, Lieutenant Gourley advised he asked ACSO to keep a unit monitoring the interstate upon the reopening. Subsequent interviews of ACSO personnel revealed that all ACSO personnel left Interstate 75 at the time of reopening and returned to normal duties.
  - At 0340 hours when FHP Trooper Downing reported heavy smoke conditions on US 441, Lieutenant Gourley left Interstate 75 and failed to assign someone to monitor conditions on the south end of Paynes Prairie.
  - FDOT Highway Maintenance Specialist Martin took it upon himself to drive the interstate after the reopening occurred. However, he was not in communication with FHP or local law enforcement to report his observations.
    - At 0350 hours, Martin observed a small amount of smoke on southbound Interstate 75, at the southern end of Paynes Prairie. It did not affect visibility.
    - At approximately 0400 hours, Martin was northbound on Interstate 75 and encountered dense smoke and low visibility. As he attempted to navigate through the smoke, crashes occurred around him.

(Maps representing locations of law enforcement units can be found in Appendices A-D.)

### **Recommendation 5**

After reopening a roadway that was closed due to an emergency situation, FHP Command Personnel should ensure the continued visual inspection of the affected portion of the roadway to evaluate potential for reoccurrence of hazards. Additionally, dedicated resources should be staged in case the need to close the road reoccurs.

### **Finding 6**

**The Paynes Prairie fire created road hazards on US 441 and Interstate 75 due to low visibility from smoke and contributed greatly to the subsequent traffic crashes. Because there were no fixed electronic message boards on the roadways in the Paynes Prairie**

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area, there was a great demand for roadway signage and portable electronic message boards to warn motorists of the hazardous conditions. Until the Florida Department of Transportation arrived with signs and message boards, law enforcement personnel were posted on the roadways. Law enforcement patrol resources do not generally have material available in their patrol cars to transition or close a multi-lane roadway. Due to lack of appropriate signage, it was not possible to update motorists of road hazards or conditions without the immediate presence of emergency personnel on scene.

- Alachua County Sheriff's Office and the Gainesville Police Department had to deploy many law enforcement units to ensure safety at four road closure points and several detour routes.
- FDOT Highway Maintenance Specialist Martin attributed a delayed response time to shortage of FDOT personnel to respond after hours and the length of time needed to load trucks with portable materials.
- During interviews, several first responders stated that the low-lying geography of Paynes Prairie, in combination with certain weather factors, is known to create visibility hazards on US 441 and Interstate 75.

### **Recommendation 6**

Due to the low-lying geography of Paynes Prairie, and the history of frequent environmental conditions that cause limitations in visibility in that area, a fixed messaging system should be implemented. These fixed signs and electronic message boards would forewarn travelers of hazardous conditions along the roadway.

### **Finding 7**

The State of Florida Open Roads Policy is a signed agreement between FHP and FDOT to open Florida's roadways following a traffic crash in "an urgent manner for the safety of responders at incident scenes and for motorists traveling in Florida" and "to do whatever is reasonable to reduce the risk to responders, secondary crashes, and delays associated with incidents, crashes, roadway maintenance, construction, and enforcement activities." This policy does not address the opening of roads that have been closed due to low visibility conditions or due to crashes that have occurred because of hazards that may reoccur, such as environmental conditions.

### **Recommendation 7**

The State of Florida Open Roads Policy should be modified to address the opening of roadways in situations where environmental conditions or other hazards may reoccur. The updated policy should stress the evaluation of all conditions, including environmental, that may be pertinent to public safety. Changes in policy should be reflected on the Open Roads Florida website and should be incorporated into subsequent training materials.

### **Finding 8**

The Highway Safety Smoke Management Interagency Agreement identifies representatives from the agencies as the Highway Safety Smoke Management Task

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Force. The agreement states that this Task Force will meet as necessary to review concerns and suggest changes that will improve overall efficiency. A meeting may be called by any of the agencies included in the agreement. The Task Force has not met since the initiation of the Agreement in June 2009.

### **Recommendation 8**

Each calendar year, or within 90-days of the appointment of a new agency head to FDOT, FFS or FHP, the members of the Highway Safety Smoke Management Task Force should meet, review and, if needed, update the agreement. A copy of the final agreement should be provided each calendar year to the supervisory members of FDOT, FFS and FHP. A copy of the most current agreement should also be maintained on each agency's public website.

### **Conflict in Testimony**

During an examination of records provided by FHP and statements made during interviews, it was discovered that FHP Sergeant Bruce Simmons expressed a concern to FHP Lieutenant John Gourley regarding the pending decision to reopen Interstate 75. FDLE identified several discrepancies between the statements made by Simmons and FHP's subsequent acknowledgement of Simmons' disagreement with Gourley's decision to reopen the interstate.

- On two occasions during the early morning hours of January 29, 2012, Simmons voiced his concern to Gourley regarding the reopening of Interstate 75. Simmons' concern was based upon a fear that environmental conditions causing limited visibility would quickly reoccur.
  - At 0255 hours, Simmons and Gourley participated in a radio communication wherein Simmons voiced his initial concern.
  - According to Simmons' sworn statement, at approximately 0325 hours, Simmons met personally with Gourley on Interstate 75 and once again voiced his concern with the pending decision to open the roadway.
  - During his sworn interview, Gourley acknowledged that Simmons expressed a concern regarding the reoccurrence of limited visibility conditions. In spite of Simmons' concerns, Gourley proceeded with his decision to open the interstate due to the increased visibility, the perceived ability to monitor the roadway, and the perceived ability to re-deploy assets quickly if another road closure was warranted.
- After the fatal traffic crashes, Simmons made several comments to himself and other law enforcement personnel regarding his disagreement with Gourley's decision to reopen the interstate.
  - Between the 0413 and 0438 hours on January 29, 2012, Simmons' in-car video recorded the following statements made by Simmons:

***Simmons at 04:27 to an Alachua County Deputy Sheriff Jake Skelly: "You can't get to it. No, you don't want to get to it. They are having explosions. We've got a trooper down there and now he's having problems breathing. I tried to tell them to leave that 'Sum...buck' closed and they wouldn't listen to me. I said it's***



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*going to roll in again. Leave it closed. Oh lord, no we don't want to mess up. Well, I said, I told while I was grabbing some breakfast, I told the trooper I said 30 to 45 minutes you watch. Pissed me off."*

**Simmons at 04:32 to himself:** *"This would not have happened."*

**Simmons at 04:33 to an Alachua County Deputy Sheriff:** *"They wouldn't freaking listen earlier. That's what I told my lieutenant. That's what I told my lieutenant. I said that it will roll in faster than you can shut it down. This crap wouldn't have happened if he'd have listened."*

**Simmons at 04:37 to himself after a radio call:** *"You're covering your ass."*

- During his interview, FHP Trooper James Taylor advised he took a meal break with Simmons immediately after Interstate 75 was reopened. Taylor advised that Simmons made several comments regarding his concern that they would have to respond back to the area. Taylor stated that Simmons was adamant in his belief that the low visibility conditions would reoccur. Numerous times during his interview, Taylor categorized Simmons' opinion regarding the road reopening as "he didn't like it." Taylor stated that he felt that if Gourley had not been there, Simmons would have maintained the interstate closed.
- On January 31, 2012, Simmons met with District Commander Captain Coby Fincher in the parking lot of the Gainesville FHP Station in order to speak with Fincher regarding the comments made on Simmons' in-car video recording. Toward the end of their conversation, Gourley joined them.
  - Several days after the meeting, Fincher authored a briefing report to Troop Commander Major Gene Spaulding, to memorialize the conversation between himself and Simmons. In his report, and in a sworn interview, Fincher advised that Simmons told him about the video recording, and that his comments on the video were untrue regarding his disagreement with Gourley's decision to reopen the interstate. Specifically, Fincher reported that Simmons advised he had made inappropriate and inaccurate comments regarding his disagreement with Gourley's decision. Additionally, Fincher reported that Simmons advised he had not expressed or discussed any concerns with Gourley prior to reopening Interstate 75.
  - In a sworn interview, Simmons confirmed his meeting with Fincher, but stated the meeting's only purpose was for him to inform Fincher that he made recorded comments regarding his disagreement with Gourley's decision to reopen the interstate. Simmons advised his comments regarding Gourley's decision were accurate and appropriate, and he had not recanted his statements to Fincher. Upon review of Fincher's briefing report, Simmons advised that Fincher's recollection of their meeting was inaccurate and the facts stated in the briefing report were not true.

FDLE was unable to obtain independent evidence to evaluate the true content of the conversation between Simmons and Fincher on January 31, 2012.

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## **CONCLUSION**

FDLE concludes that no member of the Florida Highway Patrol or other government agency acted with criminal intent when making decisions that impacted the events leading up to the fatal crashes of January 29, 2012. Rather, agency personnel acted in a manner which they believed was appropriate and in the best interest of restoring the safe and orderly flow of traffic to the roadways.

FDLE's investigation has revealed the need for several changes to Florida's public roadway safety efforts. Immediate changes should be made to FHP policy and an evaluation of the state's roadway signage and monitoring capabilities should occur. These efforts are necessary to ensure the safety and security of Florida's public roadway system.

## APPENDIX A

### 0326 Hours – I-75 Reopening



Location of Law Enforcement Units at 0326 hours. FHP and ACSO units on I-75 and US 441. Trooper Downing traveling southbound on US 441.

## APPENDIX B

### 0340 Hours – Low Visibility on US 441



Location of Law Enforcement Units at 0340 hours. No ACSO units on I-75. Trooper Taylor and Sergeant Simmons depart north on I-75 for a meal break. Lieutenant Gourley traveling southbound on I-75 en route to US 441. Two troopers remain at rest area on I-75.

## APPENDIX C

### 0350 Hours – No Monitoring on I-75



Location of Law Enforcement Units at 0350 hours. Two troopers remain at rest area on I-75. Lieutenant Gourley on US 441 with Trooper Downing evaluating low visibility due to smoke.



## APPENDIX D

### 0400 Hours – Fatal Crashes on I-75



Location of Law Enforcement Units at 0400 hours. Two troopers remain at rest area on I-75. Lieutenant Gourley on US 441 with ACSO Lieutenant Moran to discuss status of US 441.